



**City of Chicago**  
Rahm Emanuel, Mayor

**Department of Law**  
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February 8, 2019

Matt Chapman  
Free Our Info, NFP  
Via email at 68137-59465125@requests.muckrock.com

Dear Mr. Chapman,

On behalf of the City of Chicago Department of Law, I am responding to your Freedom of Information Act ("FOIA") request which was dated January 24 2018 and received in our offices on January 25, 2019. The Law Department took a 5-day extension on February 2, 2019. You requested:

*Requesting copy of the following records for all past and current employees and contractors employed by this department. Please provide at least, but not limited to, 5 years worth of records.*

*Name*

*Email address*

*Title*

*Name of immediate superior*

*Email address of immediate superior*

*Direct reports (if applicable)*

*These records will be used to associate against a set of records of all employees provided by the Department of Innovation and Technology. As such, should any of the requested records be unavailable, please let me know at your earliest.*

*I request that the file format be an excel file.*

*Important note: This request has been sent to all 34 Chicago departments listed on Chicago's website. Neither the Department of Innovation and Technology nor the Department of Human Resources maintain information WRT immediate superiors, and so a request to all departments is necessary. If there are any methods from any department to accumulate all requested records from all of Chicago from a single location, I would much prefer to go that route, and will then promptly withdraw any remaining requests.*

*Relevant text from similar request to the DoHR:*

*"Concerning your request for manager, direct reports, and email addresses, please note that each City department is a "public body" under Section 2 of FOIA, 5ILCS 140/2(a). See Duncan Publishing, Inc. v. City of Chicago, 304 Ill. App. 3d 778, 784, 709 N.E.2d 1281, 1286 (1st Dist. 1999) ("Clearly, each of the individual departments are subsidiary bodies of the City and are 'public bodies' as defined by the FOIA.") A FOIA request must be directed to the department that maintains the records you are seeking. The Department of Human Resources does not have documents responsive to those portions of your request."*

*The records responsive to this request are invaluable for understanding the underlying structure of the City of Chicago and its internal operation. As a result, the public's interest for this information far outweighs any burden and associated costs.*

The attached record is the only record the Law Department has that is partially responsive to your request.

The Law Department is not in possession of a document which contains all the information you seek. The only way to compile the requested information would be to create a document. While the FOIA requires a public body to produce documents (5 ILCS 140/3(a) ("Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in section 7 of this Act.")), the FOIA does not require a public body to provide answers to questions or create documents. In Kenyon v. Garrels, 184 Ill. App. 3d 28, 32 (4th Dist. 1989), the Illinois Appellate Court noted, "...the Act is not designed to compel the compilation of data the governmental body does not ordinarily keep." See also: Chicago Tribune Company v. The Department of Financial and Professional Regulation, 2014 IL App (4th) 13042, ¶ 34. This position is included in the plain language of Section 1 of the FOIA: "This Act is not intended to create an obligation on the part of any public body to maintain or prepare any public record which was not maintained or prepared by such public body at the time when this Act becomes effective, except as otherwise required by applicable local, State or federal law." 5 ILCS 140/1.

You have the right to have a denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (877) 299-3642. You also have the right to seek judicial review of your denial by filing a lawsuit in Cook County Circuit Court.

Sincerely,

Tom Skelton  
FOIA Officer – Department of Law